

0300

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#6

In re Application of: BCIS-RF

Serial No.: 09/036,721

Group Art Unit: 2745

Filed: March 6, 1998

Examiner:

For: INTEGRATED BUILDING CONTROL
AND INFORMATION SYSTEM WITH
WIRELESS NETWORKING

Attorney Docket No. 940-015



Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

PETITION UNDER 37 C.F.R. SECTION 1.47 FOR
ONE JOINT INVENTOR TO SIGN ON BEHALF OF AN
OMITTED INVENTOR WHO REFUSES TO SIGN

S I R:

It is respectfully requested that a signing joint of the above-identified application be permitted to sign the Combined Declaration and Power of Attorney on Behalf of an omitted inventor who refuses to sign. As required by 37 CFR 1.47, submitted herewith is the signature of the joint inventor on behalf of the unwilling inventor, a declaration of facts in support of filing on behalf of the omitted inventor demonstrating that a *bona fide* attempt was made to have the unwilling inventor sign the declaration and power of attorney, and a check including the required fee of \$130.00 for this petition.

08/04/1998 STHORNTD 00000024 09036721

03 FC:122

130.00 OP

Date: July 27, 1998

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "John W. Olivo, Jr.", written over a horizontal line.

John W. Olivo, Jr.
Reg. No. 35,634
WARD & OLIVO
708 Third Avenue
New York, New York 10017
(212) 697-6262



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GROUP 2700

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Re Application of: BCIS-RF

Serial No.: 09/036,721

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WITH WIRELESS NETWORKING

**DECLARATION OF FACTS IN SUPPORT OF FILING
ON BEHALF OF OMITTED INVENTOR UNDER CFR 1.47**

I, Pete Cupps, am a Vice President of Facility Services for the Venator Group, Inc. (hereinafter "Venator") (formerly known as the Woolworth Corporation), and since 1996 have supervised both Don Delp and Pat Renaldi, the co-inventors of the invention of the above-identified application, and I hereby declare that:

As Vice President, in 1996 I realized a need to reduce the size of or otherwise improve the presently available building management systems, and to thereby reduce the costs associated therewith.

Don Delp was hired in 1996 to implement systems already in progress, and to work with Pat Renaldi to look into improving the energy management of Venator's retail stores (in fact, his title was Technical Assistant for Energy Management).

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SPECIAL PROGRAMS OFFICE
DAC FOR PATENTS

In March of 1996, I held a meeting with Don Delp and Pat Renaldi to discuss ideas for improving the building management systems and making them more cost effective. This meeting defined the scope of the project which ultimately led to the invention of the above-identified application.

Don Delp and Pat Renaldi, from March 1997 through January 1998, had regular meetings wherein they discussed different ideas, designs, methods of implementation, etc., for improving the existing building management systems, which included the integrated building control and information system of the present application. Both Pat Renaldi and Don Delp worked together during these meetings devising, designing, developing and refining the system of the present application. This was their solution to the energy management and cost reduction problem I had proposed to them.

In January of 1998, Venator had the law firm of Ward & Olivo, located at 708 Third Avenue, New York, New York 10017, prepare a patent application for this new system. On March 6, 1998, Ward & Olivo filed the patent application for the invention entitled "Integrated Building Control and Information System With Wireless Networking" on behalf of Venator.

On June 4, 1998, I presented both an oath or declaration and an assignment to Pat Renaldi for his signature. Pat Renaldi immediately signed both documents, copies of which are attached as Appendix A.

As of June 1, 1998, Don Delp was no longer under the employ of Venator Group. On July 10, 1998, I presented an oath or declaration (mailed via overnight carrier) to Don Delp for his signature, knowing that Don Delp had previously received a complete

copy of the specification, drawings and claims as filed (Appendix B). From July 12, 1998, through July 21, 1998, I have repeatedly attempted to contact Don Delp to obtain the signed oath or declaration. Don Delp has not returned the signed oath or declaration to me and I have concluded that he has refused to sign the oath or declaration.

Since the filing of the above-identified application, Venator Group has been in discussions with the inventors regarding compensation for their efforts in solving the problem I had proposed to them. Accord has not been reached with Don Delp and it is for that reason I believe Don Delp is refusing to sign the oath or declaration.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

July 21, 1998
Date

[Signature]
Signature

SOLE

ASSIGNMENT

RENALDI, PA.

WHEREAS, I, PAT RENALDI, ASSIGNOR, citizen of the United States, residing at 9925 Laurel Valley, Bradenton, Florida 34202, am an inventor of the invention in INTEGRATED BUILDING MANAGEMENT AND INFORMATION CONTROL SYSTEM WITH WIRELESS NETWORKING for which an application for a Patent of the United States has been executed,

- ☑ which is identified by Ward & Olivo docket no. 940-015
- ☑ which was filed on March 6, 1998, Serial No. 09/036,721

and WHEREAS, WOOLWORTH CORPORATION, ASSIGNEE is desirous of obtaining the entire right, title and interest in, to and under the said invention and the said application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, I, the said ASSIGNOR, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

AND I HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND I HEREBY covenant and agree that I have full right to convey the entire interest herein assigned, and that I have not executed, and will not execute, any agreement in conflict herewith.

AND I HEREBY further covenant and agree that I will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to me respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 4 day of JUNE, 1998.

Pat Renaldi
PERSONALLY KNOWN

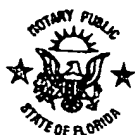
L.S.

State of FLORIDA)
County of MANATEE) SS.:

On this 4th day of JUNE, 1998, before me, a Notary Public in and for the State and County aforesaid, personally appeared PAT RENALDI to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument, and he acknowledged the same to be his free act and deed.

Lillian L Lloyd

Notary Public.



LILLIAN L LLOYD
My Commission CC411561
Expires Oct 04, 1998
Bonded by ANB
800-852-5878

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. underneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled INTEGRATED BUILDING CONTROL AND INFORMATION SYSTEM WITH WIRELESS NETWORKING, the specification of which:

was filed on March 6, 1998, as Application Serial No. 09/036,721, and is identified by Ward & Olivo docket no. 940-015.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119/§172 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION			
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 U.S.C. 119/172
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION SERIAL NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED

POWER OF ATTORNEY: As a named inventor, I hereby appoint John F. Ward (Reg. No. 33,811) and John W. Olivo, Jr. (Reg. No. 35,634), whose address is Ward & Olivo, 708 Third Avenue, New York, New York 10017, and each of them, my attorneys, to prosecute this application, and to transact all business in the Patent and Trademark Office connected therewith.

SEND CORRESPONDENCE TO:

WARD & OLIVO
708 THIRD AVENUE
NEW YORK, NEW YORK 10017

DIRECT TELEPHONE CALLS TO:

WARD & OLIVO
(212) 697-6262

201	FULL NAME OF INVENTOR	LAST NAME DELP	FIRST NAME DON	MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY BRADENTON	STATE OR FOREIGN COUNTRY FLORIDA	COUNTRY OF CITIZENSHIP UNITED STATES
	POST OFFICE ADDRESS	POST OFFICE ADDRESS 4215G COQUINE CIRCLE	CITY BRADENTON	STATE OR COUNTRY FLORIDA ZIP CODE 34208
202	FULL NAME OF INVENTOR	LAST NAME RINALDI RENALDI ^{BA}	FIRST NAME PAT	MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY BRADENTON	STATE OR FOREIGN COUNTRY FLORIDA	COUNTRY OF CITIZENSHIP UNITED STATES
	POST OFFICE ADDRESS	POST OFFICE ADDRESS 9925 LAUREL VALLEY	CITY BRADENTON	STATE OR COUNTRY FLORIDA ZIP CODE 34202
203	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE OR COUNTRY ZIP CODE
204	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE OR COUNTRY ZIP CODE
205	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE OR COUNTRY ZIP CODE
206	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE OR COUNTRY ZIP CODE

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 201	SIGNATURE OF INVENTOR 202 <i>Pat Renaldi</i>	SIGNATURE OF INVENTOR 203
DATE	DATE 6/4/98	DATE
SIGNATURE OF INVENTOR 204	SIGNATURE OF INVENTOR 205	SIGNATURE OF INVENTOR 206
DATE	DATE	DATE

APPENDIX B

WARD & OLIVO
ATTORNEYS AT LAW
708 THIRD AVENUE
NEW YORK, NEW YORK 10017
(212) 697-6262
FAX (212) 972-5866

P.O. Box 50
SUMMIT, NEW JERSEY 07902
(908) 598-9532
FAX (908) 598-9549

March 17, 1998

Via Federal Express

Mr. Don Delp
Woolworth Corporation
Corporate Repair & Maintenance Department
313 Manatee Avenue West
Bradenton, Florida 34205


Re: Patent Application As Filed

Dear Don:

Enclosed is a copy of the patent application as filed. If you have any questions at all, please feel free to call at any time.

Best regards.

Very truly yours,



David M. Hill

Enclosure